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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Olympus Insurance Company,

) Civ. No. 17-CV-00254 HG-KJM

Plaintiff,

) DEFENDANT CARA BARBER'S

vs.

) MEMORANDUM IN OPPOSITION TO

Cara Barber; Ohana Military  
Communities, LCC; Forest City  
Residential Management, Inc.,

) [49] PLAINTIFF OLYMPUS

Defendants.

) INSURANCE COMPANY'S MOTION

) FOR LEAVE TO FILE FIRST AMENDED

) COMPLAINT FOR DECLARATORY

) RELIEF; MEMORANDUM IN SUPPORT

) OF MOTION; CERTIFICATE OF

) SERVICE

) HEARING:

) Date: September 19, 2018

) Time: 10:00 a.m.

) Magistrate Judge: Kenneth J. Mansfield

**DEFENDANT CARA BARBER'S MEMORANDUM IN OPPOSITION TO  
[49] PLAINTIFF OLYMPUS INSURANCE COMPANY'S  
MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT  
FOR DECLARATORY RELIEF**

Defendant CARA BARBER (hereinafter "Defendant Barber"), by and through her attorneys, Revere and Associates, LLLC and SmithLaw, hereby submits her Memorandum In Opposition to [49] Plaintiff Olympus Insurance Company's Motion for Leave to File First Amended Complaint for Declaratory Relief.

DATED: Honolulu, Hawaii, August 29, 2018.

/s/Terrance M. Revere  
TERRANCE M. SMITH  
P. KYLE SMITH  
Attorneys for Defendant  
CARA BARBER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

Olympus Insurance Company,	)	Civ. No. 17-CV-00254 HG-KJM
	)	
Plaintiff,	)	MEMORANDUM IN SUPPORT
	)	OF MOTION
vs.	)	
	)	
Cara Barber; Ohana Military	)	
Communities, LCC; Forest City	)	
Residential Management, Inc.,	)	
	)	
Defendants.	)	
	)	

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**MEMORANDUM IN SUPPORT OF MOTION**

Defendant Cara Barber ("Ms. Barber") respectfully submits that the Complaint should not be amended because the Court simply has no jurisdiction for the reasons pointed out in Ms. Barber's Motion to Dismiss For Lack of Jurisdiction [50] (i.e. all of the parties (Plaintiff Olympus, Defendant Barber and Defendants USAA are citizens of the same state, Florida). The likely granting of that motion makes the proposed amendment moot. Nothing in the proposed amended complaint cures the underlying lack of jurisdiction. Even if somehow the motion to dismiss is not granted, the Court can simply take the matter of amendment up at that time.

Based on the above, Plaintiff's Motion should be denied.

DATED: Honolulu, Hawaii, August 29, 2018.

/s/Terrance M. Revere  
TERRANCE M. SMITH  
P. KYLE SMITH  
Attorneys for Defendant  
CARA BARBER